IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10142 of 2004

Between:
Yallapragada Nagaraju S/o Venkata Hanumantha Rao
R/o Ullipalem Post, Koduru Mandal, Krishna District- 521 328
..... PETITIONER

AND

1 The District Collector & District Magistrate, Krishna, Machilipatnam
2 The Revenue Divisional Officer, Bandar
3 The Mandal Revenue Officer, Koduru Mandal, Krishna District
4 Sri Sampath Kumar ramanuja Jeeyar Swamy, of Astakshari Peetham, Vijayawada
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Certiorari calling for the records and to quash the impugned proceedings of the 1st respondent in Roc. E5-2435/2004 dated 14-5-2004 as highly illegal, arbitrary and violative of principles of natural justice

For the Petitioner:MRS.P.BEENA, Advoate

For the Respondent Nos.1 to 3: GP FOR REVENUE

For the Respondent No.4 : None appeared

The Court made the following Order:

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Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The main contention advanced by the learned counsel for the petitioner in support of the writ petition is that respondent No.1-District Collector without issuing any notice to the petitioner and without affording opportunity of hearing to him, has cancelled the house site patta granted to him in respect of an extent of Ac. 0-05 cents in R.S. No. 220/4 part of Ullipalem village of Koduru Mandal, Krishna District.

The encroachment made by the petitioner, though is not objectionable to the respondents, but a perusal of the impugned order discloses that respondent No.1 cancelled the patta granted to the petitioner on the ground that regularization has been made in contravention of G.O. Ms. No. 515 Revenue (Assignments Department), dated 19-4-2003. Admittedly, before passing the impugned order, respondent No.1 has not issued any notice whatsoever to the petitioner to putforth his case.

The impugned order, admittedly seeks to dispossess the petitioner, and it is also admitted to by the learned Government Pleader for Revenue that no notice was issued to the petitioner by respondent No.1 before passing the impugned order. Inasmuch as the impugned order was not preceded by any notice to the petitioner, the same suffers from the vice of violation of principles of natural justice. Principles of natural justice demand that before any order adverse to a party is passed, he should be issued notice and provided an opportunity to put forth his version. Since the impugned order was not preceded with any notice, the same cannot be sustained.

In the result, the writ petition is allowed. The impugned order is quashed and set aside. This order, however, does not preclude the respondents from issuing notice to the petitioner and take appropriate action after considering the objections that may be filed by the petitioner. Unless and until the respondents issue notice to the petitioner and

considers his objections and passes appropriate orders, the petitioner shall not be dispossessed. No costs.

Date: June 21, 2004.
KSR/RKK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector & District Magistrate, Krishna District, Machilipatnam
2 The Revenue Divisional Officer, Bandar
3 The Mandal Revenue Officer, Koduru Mandal, Krishna District
4 2 CCs to GP for Revenue, High Court of A.P.,Hyderabad (O.U.T)
5. 2 CD copies